



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,888	04/08/2004	Philip Shi-Lung Yu	YOR920040112US1	8874
55459	7590	03/16/2009		
GEORGE A. WILLINGHAN, III AUGUST LAW, LLC P.O. BOX 19080 BALTIMORE, MD 21284-9080			EXAMINER BETT, JACOB F	
			ART UNIT 2169	PAPER NUMBER
			NOTIFICATION DATE 03/16/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

TRIPP@AUGUSTLAW.COM
diane@augustlaw.com

Office Action Summary	Application No. 10/820,888	Applicant(s) YU, PHILIP SHI-LUNG	
	Examiner Jacob F. Bétit	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to communications filed on 16 December 2008, claims 1, 3, 9, and 10 have been amended per the applicant's request. Claims 1-5, 7-12, 14-17 are presently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Acharya et al. (U.S. patent application publication No. 2005/0071741 A1)

As to claim 15, Acharya et al. teaches a method comprising:

offering a service to customers that generates a temporally ranked set of search results from network-based data in response to a query (see paragraph 0033), the temporally ranked set of search results utilizing a time-based weight associated with each in-link to each result in the set of search results to rank the search results (see paragraph 0071), the time-based weight comprising a rate of decay (see paragraph 0079) and an aging factor, the aging factor comprising a rate at which a given search result to which it has been assigned decreases in importance and the time-based weight associated with each in-link based on at least one of a creation time and a

Art Unit: 2169

publication date for the in-linking source containing that in-link (see paragraph 0040-0043); and modifying one or more parameters of the service in response to customer input (see paragraph 0093).

As to claim 16, Acharva et al. teaches wherein the parameters comprise rate of phase-out of old data, decay rate, temporal criteria, reputation ranking techniques or combinations thereof (see Acharva et al. paragraphs 0075-0078).

As to claim 17, Acharva et al. teaches wherein further comprising modifying the parameters based upon the topic or repository being searched (see Acharva et al., paragraph 0097-0099).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7-12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acharya et al. (U.S. patent application publication No. 2005/0071741 A1) in view of Barrett et al. (U.S. patent application publication No. 2003/0135490 A1).

As to claim 1, Acharya et al. a method for searching data comprising:

Art Unit: 2169

generating a temporally ranked set of search results of network-based data in response to a query (see paragraph 0033), the step of generating the temporally ranked set of search results comprising:

generating an initial set of search results (see paragraph 0031);

identifying in-links associated with each search result in the second portion of the search results (see paragraph 0071);

associating a time-based weight with each identified in-link using at least one of a creation time and a publication date for an in-linking source containing that in-link (see paragraph 0074-0076);

assigning a rate of decay to each time-based weight (see paragraph 0079);

assigning an aging factor to each result in the second portion of the initial search results, each aging factor comprising a rate at which the result to which it has been assigned decreases in importance (see paragraphs 0040-0043); and

ranking the second portion of the initial set of search results using the time-based weights and assigned aging factors associated with each search result to generate the temporally ranked set of search results (see paragraphs 0071, 0075, 0076, and 0079).

Acharya et al. does not distinctly disclose identifying a first portion of the initial search results having creation dates after a pre-determined threshold date; identifying a second portion of the initial search results having creation dates before the pre-determined threshold date.

Barrett et al. discloses this, see paragraph 0049, where search results are ranked differently based on the amount of time has past to mature results. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have

Art Unit: 2169

modified Acharya et al. to include the teachings of Barrett et al. because these teachings would allow search results to be ranked differently based on the amount of time they have been around.

As to claim 3, Acharya et al. as modified, wherein the rate of decay comprises an exponential decay rate (see Acharya et al., paragraphs 0041-0043).

As to claim 4, Barrett et al. as modified, wherein the step of assigning the aging factor further comprises using in-links from in-linking sources associated with a newer group of the identified in-links associated with the second portion of the search results to in-linking sources associated with an older group of the identified links associated with the second portion of the search results to determine the aging factor (see Acharya et al., paragraphs 0043-0044).

As to claim 5, Acharya et al. as modified, teaches further comprising obtaining the time and date information about each in-linking source from meta content associated with that in-linking source (see Acharya et al., paragraphs 0034-0039).

As to claim 7, Acharya et al. as modified, teaches further comprising ranking the first portion of the initial search results based on a reputation associated with authors of each result, a reputation associated with a repository where each result is located or a combination of author and repository reputation (see Acharya et al., paragraphs 0074).

Art Unit: 2169

As to claim 8, Acharya et al. as modified, teaches further comprising ranking the initial set of search results based upon the reputation or content of each result (see Acharya et al., paragraphs 0074).

As to claim 9, Acharya et al. teaches a computer readable medium containing a computer executable code that when read by a computer causes the computer to perform a method for searching data comprising generating a temporally ranked set of search results of network-based data in response to a query (see paragraph 0033), said step of generating a temporally ranked set of search results comprising:

generating an initial set of search results (see paragraph 0031);

identifying in-links associated with each search result in the second portion of the search results (see paragraph 0071);

associating a time-based weight with each identified in-link using at least one of a creation time and a publication date for an in-linking source containing that in-link (see paragraph 0074-0076);

assigning a rate of decay to each time-based weight (see paragraph 0079);

assigning an aging factor to each result in the second portion of the initial search results, each aging factor comprising a rate at which the result to which it has been assigned decreases in importance (see paragraphs 0040-0043); and

ranking the second portion of the initial set of search results using the time-based weights and assigned aging factors associated with each search result to generate the temporally ranked set of search results (see paragraphs 0071, 0075, 0076, and 0079).

Art Unit: 2169

Acharya et al. does not distinctly disclose identifying a first portion of the initial search results having creation dates after a pre-determined threshold date; identifying a second portion of the initial search results having creation dates before the pre-determined threshold date.

Barrett et al. discloses this, see paragraph 0049, where search results are ranked differently based on the amount of time has past to mature results. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Acharya et al. to include the teachings of Barrett et al. because these teachings would allow search results to be ranked differently based on the amount of time they have been around.

As to claim 10, see the rejection of claim 3 above.

As to claim 11, see the rejection of claim 4 above.

As to claim 12, see the rejection of claim 5 above.

As to claim 14, see the rejection of claim 7 above.

Allowable Subject Matter

6. Claim 2 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments have been fully considered but they are not persuasive.

Art Unit: 2169

8. In response to the applicant's arguments that Barret fails to teach or disclose first sorting search results into two groups based upon age followed by ranking the search results based on in-link data, the arguments have been fully considered, but are not deemed persuasive. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). While Barret discloses breaking the search results into two groups based on age to allow for a maturing time to pass (see paragraph 0049), the Acharya reference teaches the limitations relating to ranking search results based on in-link data.

9. In response to the applicant's arguments that "Acharya fails to teach or disclose the use of a time based weight for each in-link based on the creation or publication date of the underlying source document containing the link in combination with an aging factor to rank a portion of the search results having a creation date before a threshold date, the arguments have been considered, but are not deemed persuasive. Again, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Acharya does teach a time based weight for each in-link based on the creation or publication date of the underlying source document containing the link (see paragraph 0073, "each link may be weighted by a function that increases with the freshness of the link"). While Acharya does not distinctly disclose a separate aging factor that is used for a

Art Unit: 2169

group of search results that fall before a threshold date, Acharya is combined with Barret to disclose this as indicated above. Therefore, the limitations of claims 1, 9, and 15 are met.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Bétit whose telephone number is (571)272-4075. The examiner can normally be reached on Monday through Friday 10:30 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Jacob F Bétit/
Examiner, Art Unit 2169

jfb
10 Mar 2009